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Legislative Bulletin

An Official Publication of the Hilliard City Council

Publication Date: March 23, 2020

Please Note: Due to current Covid-19 Restrictions, this Bulletin will be posted to the City of Hilliard Website only.

Published under the authority of the City of Hilliard Charter and direction of the Clerk of Council. This Legislative Bulletin contains ordinances and resolutions acted upon by Council. If noted within ordinance text, supplemental and supporting documents, such as exhibits, are available upon request to the Clerk of Council's office, 3800 Municipal Way, Hilliard, Ohio 43026, at 614.876.7361, Ext. 789. Past issues are available by logging onto hilliardohio.gov

ORDINANCES

**The First Reading of this ordinance was held on March 22, 2021.
The Second Reading/Public Hearing is scheduled for April 12, 2021.**

21-10 APPROPRIATING FUNDS FOR IMPROVEMENTS TO FATHER DIPIETRO PARK, CONSTRUCTION OF THE HAYDEN RUN TRAIL EXTENSION, CONSTRUCTION OF THE UPPER SCIOTO WEST SANITARY SEWER LIFT STATION AND FORCE MAIN, AND CONSTRUCTION OF THE POINT PLEASANT BOOSTER STATION.

WHEREAS, the City owns the land located at 3481 Davidson Road, on which Father Roderic J. DiPietro Park is located; and

WHEREAS, the City desires to improve amenities at the Father Roderic J. DiPietro Park (collectively, the "Park Project") to better serve the community and make the park more accessible; and

WHEREAS, the City has grants totaling \$550,000 from the State of Ohio, administered by the Ohio Department of Natural Resources which will reimburse the City for \$539,750 of the costs of the Park Project and to complete the Park Project, an additional appropriation in the amount of \$539,750 is required; and

WHEREAS, the City received funding through the State Capital Budget (SB 310) for the Hayden Run Trail Extension between Leppert Road and the Heritage Trail (the "Trail Project").

WHEREAS, funding for this project was not included in the 2021 Capital Improvement Budget, therefore, a \$300,000 supplemental budget appropriation for CIP T-133 is requested to fund design and award of the Project in 2021 to meet funding deadlines; and

WHEREAS, the Point Pleasant Booster Station Water Improvements bid exceeded the engineer's estimate (the "Water Project"); and

WHEREAS, the Amazon Data Services has agreed to contribute \$650,000 for the extension of the Upper Scioto West Sanitary Sewer force main, gravity main and lift station (collectively, the "Sewer Project") requires an additional appropriation of \$650,000; and

WHEREAS, on November 23, 2020, City Council approved Ordinance No. 20-27 (the "2021 Capital Budget"), which approved \$150,000 for the Park Project and \$3,553,600 for the Sewer Project; and

WHEREAS, on December 9, 2019, City Council approved Ordinance No. 19-32 (the "2020 Capital Budget"), which approved \$135,000 for the Water Project; and

WHEREAS, by passage of Ordinance No. 18-21, effective November 22, 2018, Hilliard City Council amended the Codified Ordinances of the City of Hilliard, Ohio to establish a Percent for Public Art Program Fund, which shall receive an amount not less than one percent (1%) of the construction cost of an Eligible Project; and

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21-10 (continued):

WHEREAS, the Park, Sewer and Trail Project meet the criteria of an Eligible Project for inclusion in the Percent for Public Art Program Fund; and

WHEREAS, once a contractor has been selected, legislation will be introduced requesting authorization to enter into a contract with the contractor to construct the Projects.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hilliard, Ohio that:

SECTION 1. An appropriation in the amount of \$539,750 is authorized from Fund 304, Object 55/53 for CIP LB-17 for the purpose of designing and constructing the amenities in Father Roderic J. DiPietro Park.

SECTION 2. An appropriation in the amount of \$650,000 is authorized from Fund 304, Object 55/53 for CIP S-28 for the purpose of designing and constructing the Upper Scioto West Sanitary Sewer force main, gravity main and lift station.

SECTION 3. An appropriation in the amount of \$22,000 is authorized from Fund 304, Object 55/53 for CIP W-45 for the design and construction of the Point Pleasant Booster Station improvements.

SECTION 4. An appropriation in the amount of \$300,000 is authorized from Fund 304, Object 55/53 for the design and construction of the Hayden Run Trail extension.

SECTION 5. The City Manager is further authorized to enter into agreements as may be necessary and appropriate for obtaining grant funding for these projects. Such agreements shall be approved as to form by the City Law Director and in accordance with all authority granted to the Director of Finance, as evidenced by his signature therein, and any limitations imposed thereby.

SECTION 6. This Ordinance shall be in effect from and after the earliest time provided for by law.

**The First Reading of this ordinance was held on March 22, 2021.
The Second Reading/Public Hearing is scheduled for April 12, 2021.**

21-11 AUTHORIZING THE CITY'S ACCEPTANCE OF THE TRANSFER OF 0.289 ±ACRES OF LAND FROM THE CITY OF COLUMBUS TO THE CITY OF HILLIARD FOR RIGHT OF WAY PURPOSES.

WHEREAS, the City of Hilliard is designing an improvement to extend a trail on the west side of Frazell Road from Rosecliff Drive to Frank's Park; and

WHEREAS, property record research conducted to prepare detailed construction drawings revealed that the existing corporation boundary line between the City of Hilliard and the City of Columbus is offset approximately twenty feet from right-of-way line; and

WHEREAS, the City of Hilliard and the City of Columbus desire to have the corporation limit coincide with the right-of-way line; and

WHEREAS, pursuant to R.C. 709.37, any two-adjointing municipal corporations may agree to change the boundary line separating such municipal corporations; and

WHEREAS, as required by law for boundary line adjustments, the Property cannot, and does not, contain more than five voters.

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21-11 continued:

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hilliard, Ohio, that:

SECTION 1. The City of Hilliard accepts the transfer of 0.289 ±acres into its corporate boundaries as depicted in Exhibit "A", **attached** hereto and incorporated herein, for right of way purposes.

SECTION 2. The City of Hilliard approves the updated legal and boundary description of the Property, as described in Exhibit "A", **attached** hereto and incorporated herein, for right of way purposes.

SECTION 3. The City is authorized to approve any necessary administrative changes to the Boundary Legal and Description, as may be required by Franklin County.

SECTION 4. The Clerk of Council, in accordance with R.C. 709.37, shall immediately forward a certified copy of this Ordinance, along with all exhibits, to the Franklin County Commissioners for further proceedings in accordance with law.

SECTION 5. As required by law, the County Commissioners shall approve the boundary line adjustment and apportion the recording fees between the two jurisdictions.

SECTION 6. The City Manager and Director of Law are authorized to affect the proper recording of the City's acceptance and to pay the costs thereof as required.

SECTION 7. This Ordinance shall be in full force and effect from and after the earliest period provided by law.

The following Ordinances were passed on March 22, 2021.

21-05 APPROPRIATING FUNDS FOR THE PURPOSE OF CONTINUING THE HILLIARD EXPRESS TRANSPORTATION PROGRAM AND AUTHORIZING AN EXPENDITURE OF THOSE FUNDS

WHEREAS, the City entered into a Pilot Transportation Program with SHARE Mobility, aptly named Hilliard Express Transportation (the "Hilliard Express") beginning November 1, 2020; and

WHEREAS, the intent of the Hilliard Express is to assist Hilliard residents fifty five years of age and older age in place and maintain their dependence by providing transportation to and from locations, including the grocery store; and

WHEREAS, the Hilliard Express was initially funded with \$40,000 from Cares Act Funding and slated to run two months through the end of December 2020; and

WHEREAS, the Hilliard Express was able to be extended two months through the end of February 2021; and

WHEREAS, to continue the Hilliard Express for an additional three months, Council desires to appropriate \$36,000.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hilliard, Ohio that:

SECTION 1. An appropriation in the amount of \$36,000 is authorized from Fund 101, Object 52 for the purpose of continuing the Hilliard Express Transportation Program for an additional three months.

SECTION 2 City Council authorizes the expenditure of funds from Fund 101, Object 52 to SHARE Mobility for the Hilliard Express Transportation Program.

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21-05 continued:

SECTION 3. Pursuant to Section 3.07 of the Charter for the City of Hilliard, Ohio, this Ordinance shall take effect upon passage.

21-06 AMENDING CHAPTER 151 OF THE HILLIARD CODIFIED ORDINANCES REGULATING THE DISPOSITION OF CITY-OWNED PROPERTY.

WHEREAS, Chapter 151 of the Hilliard Codified Ordinances regulates the disposition of City-owned real and personal property ("Chapter 151"); and

WHEREAS, after a review, the City desires to modify certain code provisions in Chapter 151 in order clarify the distinction between the sale of real and personal property and to update other language regarding notice requirements on the City's website; and

WHEREAS, the changes outlined in Exhibit "A", attached hereto and incorporated herein, will ease the administration of Chapter 151; and

WHEREAS, the City believes that amending the City's Codified Ordinances, as identified in Exhibit "A", attached hereto and incorporated herein, promotes the general health, safety, and welfare of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hilliard, Ohio, that:

SECTION 1. Council finds that amending Chapter 151, as identified in Exhibit "A", **attached** hereto and incorporated herein, is in the City's best interest. The changes and additions to Chapter 151, as shown in track changes in the attached Exhibit "A" are approved and shall be incorporated in the City's Codified Ordinances.

SECTION 2. All other provisions of Chapter 151, not modified herein, remain unchanged and are in full force and effect.

SECTION 3. This Ordinance shall be in effect from and after the earliest time provided for by law.

21-07 AMENDING CHAPTER 731 OF THE HILLIARD CODIFIED ORDINANCES REGULATING HOTELS, MOTELS AND BED AND BATH ESTABLISHMENTS.

WHEREAS, Chapter 731 of the Hilliard Codified Ordinances regulates hotels, motels and bed and bath establishments located within the City ("Chapter 731"); and

WHEREAS, after a review, the City desires to modify certain code provisions in Chapter 731 in order to make definitions consistent throughout the Code and to remove duplicative inspection requirements, since the State Fire Marshal performs all inspections; and

WHEREAS, the changes outlined in Exhibit "A", attached hereto and incorporated herein, will ease the enforcement of Chapter 731; and

WHEREAS, the City believes that amending the City's Codified Ordinances, as identified in Exhibit "A", attached hereto and incorporated herein, promotes the general health, safety, and welfare of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hilliard, Ohio, that:

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21-07 continued:

SECTION 1. Council finds that amending Chapter 731, as identified in Exhibit “A”, **attached** hereto and incorporated herein, is in the City’s best interest. The changes and additions to Chapter 731, as shown in track changes in the attached Exhibit “A” are approved and shall be incorporated in the City’s Codified Ordinances.

SECTION 2. All other provisions of Chapter 731, not modified herein, remain unchanged and are in full force and effect.

SECTION 3. This Ordinance shall be in effect from and after the earliest time provided for by law.

21-08 AMENDING CHAPTER 745 OF THE HILLIARD CODIFIED ORDINANCES REGULATING CANVASSERS, PEDDLERS, AND SOLICITORS WITHIN CITY LIMITS.

WHEREAS, Chapter 745 of the Hilliard Codified Ordinances regulates the canvassers, peddlers, and solicitors within City limits (“Chapter 745”); and

WHEREAS, after a review, the City desires to modify certain code provisions in Chapter 745 in order to align with the current form of government as well as remove the requirement to maintain a “Do Not Knock” Registry; and

WHEREAS, the changes outlined in Exhibit “A”, attached hereto and incorporated herein, will ease the administration of Chapter 745; and

WHEREAS, the City believes that amending the City’s Codified Ordinances, as identified in Exhibit “A”, attached hereto and incorporated herein, promotes the general health, safety, and welfare of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hilliard, Ohio, that:

SECTION 1. Council finds that amending Chapter 745, as identified in Exhibit “A”, **attached** hereto and incorporated herein, is in the City’s best interest. The changes and additions to Chapter 745, as shown in track changes in the attached Exhibit “A” are approved and shall be incorporated in the City’s Codified Ordinances.

SECTION 2. All other provisions of Chapter 745, not modified herein, remain unchanged and are in full force and effect.

SECTION 3. This Ordinance shall be in effect from and after the earliest time provided for by law.

21-09 AMENDING AND UPDATING CERTAIN SECTIONS OF PART ELEVEN - THE “PLANNING AND ZONING CODE”, OF THE CITY’S CODIFIED ORDINANCES TO BE ALIGNED WITH THE CITY’S FORM OF GOVERNMENT AND ORGANIZATIONAL STRUCTURE.

WHEREAS, the Part Eleven of the City Codified Ordinances – the “Planning and Zoning Code” has been reviewed by the Administration in order to address the City’s change in form of government and changes in the organizational structure; and

WHEREAS, additionally, process and procedures have been reviewed and it was determined an updated was needed; and

WHEREAS, the Administration desires to amend the “Planning and Zoning Code, as outlined in Exhibit “A”, attached hereto and incorporated herein; and

WHEREAS, the City believes that amending the “Planning and Zoning Code”, as identified in Exhibit “A”, attached hereto and incorporated herein, promotes the general health, safety, and welfare of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hilliard, Ohio, that:

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21-09 continued:

SECTION 1. Council finds that amending Part Eleven of the City's Codified Ordinances - the "Planning and Zoning Code", as identified in Exhibit "A", **attached** hereto and incorporated herein, is in the City's best interest. The changes and additions to the "Planning and Zoning Code", as shown in track changes in the attached Exhibit "A" are approved and shall be incorporated in the City's Codified Ordinances.

SECTION 2. All other provisions of the "Planning and Zoning Code", not modified herein, remain unchanged and are in full force and effect.

SECTION 3. This Ordinance shall be in effect from and after the earliest time provided for by law.

RESOLUTIONS

The following resolutions were passed by Hilliard City Council on March 22, 2021.

21-R-19 APPOINTING A MEMBER TO THE CITY'S RECREATION AND PARKS ADVISORY COMMITTEE.

WHEREAS, on January 25, 2021, City Council adopted Resolution No. 21-R-06, which enacted Section 149.07 of the City's Codified Ordinances establishing the Recreation and Parks Advisory Committee (the "RPAC"); and

WHEREAS, on February 22, 2021, after receiving applications, City Council appointed initial members to the RPAC; and

WHEREAS, Mr. Woodward, who was appointed to a term through February 21, 2024, has resigned; and

WHEREAS, City Council desires to appoint Melinda Dennis to fill the remainder of Mr. Woodward's term.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio, that:

SECTION 1. Melinda Dennis is hereby appointed to the Recreation and Parks Advisory Committee for term ending February 21, 2024.

SECTION 2. This Resolution shall be effective upon its adoption.

21-R-20 AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH CT CONSULTANTS, INC. TO PROVIDE GENERAL ENGINEERING SERVICES AND AUTHORIZING THE EXPENDITURE OF FUNDS. (\$190,000)

WHEREAS, the City of Hilliard desires to enter into a General Engineering Service ("GES") contract, also known as a Professional Services Agreement ("PSA") with CT Consultants, Inc. ("CT") to provide engineering design and plan review services to the City; and

WHEREAS, CT has provided engineering design and plan review services to the City in the past; and

WHEREAS, CT completed a preliminary design of improvements to Father Rodric J. DiPietro Park ("DiPietro Park") in Hilliard, including a new storage building/restroom facility, improvements to the existing baseball fields, and improved access that meets ADA requirements to one of the existing baseball fields for use by patrons with special needs; and

WHEREAS, the City desires to continue utilizing CT for private development civil/site plan reviews, as well as to complete the detailed design of the improvements to DiPietro Park so that the improvements can be constructed in 2021; and

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21-R-20, continued:

WHEREAS, the City desires to enter into a GES contract for engineering design and plan review services with CT, with three (3) one-year extensions subject to the appropriation of funds by City Council in subsequent years; and

WHEREAS, by the passage of Ordinance No. 20-28 on November 23, 2020, funds in the amount of \$75,000 were appropriated in the City's Operating Budget for General Engineering Services, and pursuant to Section 3.10 of the Charter of the City, authorization to fund the Services may be established by Resolution of Council; and

WHEREAS, by the passage of Ordinance No. 20-27 on November 23, 2020, funds in the amount of \$150,000 were appropriated in the City's Capital Improvements Budget for DiPietro Park (LB-17), and pursuant to Section 3.10 of the Charter of the City, authorization to fund the Services may be established by Resolution of Council; and

WHEREAS, passage of this resolution will allow the City to expend \$115,000 for CT's services from the \$150,000 budgeted for Father DiPietro Park. The remainder of the budgeted funds will be utilized to construct the project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio that:

SECTION 1. Expenditures are authorized in the amounts of Seventy Five Thousand Dollars (\$75,000) from Fund 283, Object 53 and One Hundred Fifteen Thousand Dollars (\$115,000) from Fund 304 Object 55 to fund the General Engineering Services contract with CT Consultants, Inc.

SECTION 2. The City Manager is authorized to enter into a professional services agreement (PSA) with CT Consultants, Inc., similar to the agreement **attached** hereto as Exhibit "A", in the amount of One Hundred Ninety Thousand Dollars (\$190,000) to provide General Engineering Services (GES) to the City (the "Agreement"). The Agreement may be extended beyond one year, subject to the appropriation of additional funds by City Council.

SECTION 3. The Finance Director is authorized to make any accounting changes to revise the funding source for any contract or contract modification associated with expenditure of the funds provided herein.

SECTION 4. This Resolution is effective upon its adoption.

21-R-21 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR CIP W-45, POINT PLEASANT BOOSTER STATION IMPROVEMENTS PROJECT; AND AUTHORIZING THE EXPENDITURE OF FUNDS.

WHEREAS, the City of Hilliard has two functioning water towers in the city, one near Barbeau Lane and one near Point Pleasant Drive; and

WHEREAS, the Point Pleasant Drive water tower has a water booster station in its base that pumps water to the Barbeau Lane water tower, and the booster station is owned and maintained by the City of Hilliard; and

WHEREAS, the City of Columbus Division of Water, through its water supply modeling, has identified the need to add an additional pump to the Point Pleasant Booster Station to maintain the water supply needs of the Barbeau Lane water tower; and

WHEREAS, the City has included the Point Pleasant Booster Station Improvements (the "Project") as CIP W-45 in its 2021 Capital Improvement Budget; and

WHEREAS, the City has approved engineering plans for the Project which includes the construction of a 40 horsepower, 2,800 gallon per minute potable water pump, motor, valving, and appurtenances in the Point Pleasant Booster Station; and

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21-R-21, continued:

WHEREAS, the City Engineer's estimated cost for the Project is One Hundred Twenty-Two Thousand and Five Hundred Dollars (\$122,500); and

WHEREAS, after having duly advertised for bids for two consecutive weeks, the City publicly opened bids at 2:00 p.m. on Friday, March 5, 2021, and Downing Construction Company ("Contractor") who submitted a bid in the amount of \$133,642.00 was determined to be the lowest and best bidder; and

WHEREAS, funds for the Project were appropriated in the 2021 Capital Improvement Budget by Ordinance No. 20-27, approved by Hilliard City Council on November 23, 2020, and pursuant to Section 3.10 of the City's Charter, authorization to fund the Project may be established by resolution of Council. Additional funds are being requested to be appropriated in Ordinance 21-08 for construction administration and oversight and construction contract contingency.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio, that:

SECTION 1. An expenditure is authorized from Fund 304 Object 55 to pay the cost of the Project in an amount not to exceed \$157,000.00.

SECTION 2. The City Manager is authorized to enter into a contract with Downing Construction Company for CIP W-45, Point Pleasant Booster Station Improvements, in an amount not to exceed \$147,000, which includes a contingency of 10% of the bid amount to pay for any cost overruns associated with the Project.

SECTION 3. The Finance Director is authorized to pay CDM Smith an amount not to exceed \$10,000 to provide required construction administration and oversight services for the Project.

SECTION 4. The Finance Director is authorized to make any accounting changes necessary to revise the funding source for any contract or contract modification associated with the expenditure of funds.

SECTION 5. This Resolution is effective upon its adoption.

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